REMARKS

Claims 9-16 and 18-24 are pending in this application. Claims 9-16 were withdrawn from consideration by the Examiner pursuant to a previous restriction requirement. Claims 18-21, 23 and 24 were rejected and dependent claim 22 was indicated as allowable subject matter, if rewritten in independent form. No claim has been amended. Reconsideration and withdrawal of the rejections are respectfully requested in view of the reasons set forth below.

Claims 18, 20 and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by KR 1999-73868. In the statement of the rejection, the Examiner referred to Fig. 3 of KR 1999-73868, asserting the disclosure of a semiconductor device corresponding to that defined in claims 18, 20, and 24. Applicants respectfully traverse the rejection.

The factual determination of lack of novelty under 35 U.S.C. §102 requires the identical disclosure in a single reference of each element of a claimed invention, such that the identically claimed invention is placed into the recognized possession of one having ordinary skill in the art. *Dayco Prods., Inc. v. Total Containment, Inc.*, 329 F.3d 1358 (Fed. Cir. 2003); *Crown Operations International Ltd. v. Solutia Inc.*, 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002). Moreover, in imposing a rejection under 35 U.S.C. §102, the Examiner is required to specifically identify wherein an applied reference is said to disclose each and every feature of a claimed invention. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). That burden has not been discharged. Indeed, there are significant differences between the claimed inventions and the semiconductor device disclosed by KR 1999-73868 that

preclude the factual determination that KR 1999-73868 discloses a semiconductor device identically corresponding to those claimed.

Specifically, it is not apparent and the Examiner has not specifically identified, as judicially required, wherein KR 1999-73868 discloses or suggests the concept of a grounding conductor layer including a unitary first portion covering an upper surface and two side surfaces of the first wiring and a second portion covering a bottom surface of the first wiring, as required in independent claim 18. As illustrated in Figure 1 of the present disclosure, the grounding conductor layer includes the unitary first portion 19 covering the upper surface and two side surfaces of the first wiring 15 and the second portion 12 covering the bottom surface of the first wiring. In contrast, as illustrated in Fig. 3 of KR 1999-73868, the upper surface of the first wiring 108 is covered with the conductor layer 116b, and two side surfaces of the first wiring 108 are covered with the conductor layer 116a. In other words, the upper surface and the two side surfaces of the first wiring 108 are covered not with a unitary conductor layer, but with separate conductor layers 116a and 116b, respectively. As such, Fig. 3 of KR 1999-73868 does not disclose or remotely suggest a unitary first portion covering an upper surface and two side surfaces of the first wiring, as required in independent claim 18.

The above argued fundamental differences between the claimed device and the device as disclosed by KR 1999-73868 undermine the factual determination that KR 1999-73868 discloses a device identically corresponding to those claimed. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc., 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); Kloster Speedsteel AB v. Crucible Inc., 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).* Applicants, therefore, submit that the imposed rejection of claims 18, 20 and 24 under 35 U.S.C.

§102 for lack of novelty as evidenced by KR 1999-73868 is not factually viable and, hence, solicit withdrawal thereof.

Dependent claims 19, 21 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over by KR 1999-73868. In the statement of the rejection, the Examiner acknowledged that KR 1999-73868 does not disclose an device including a second wiring layer provided over the substrate surface with a second insulator interposed therebetween. The Examiner concluded that the duplication of parts to obtain a multiple effect is considered a obvious modification, in order to have greater transmission capacity. This rejection is traversed as factually and legally erroneous.

Initially, Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 18, 20 and 24 under 35 U.S.C. §102 for lack of novelty as evidenced by KR 1999-73868. Moreover, claims 18, 20 and 24 are free from the applied art in view of their dependency from independent claim 18. Applicants, therefore, submit that the imposed rejection of claims 19, 21 and 23 under 35 U.S.C. §103 for obviousness predicated upon KR 1999-73868 is not factually or legally viable and, hence, solicit withdrawal thereof.

Based upon the foregoing it should be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

Brian K. Seidleck
Registration No. 51,321

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 BKS:apr
Facsimile: (202) 756-8087
Date: April 1, 2004